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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 KAYSEE NITTA,

11 Plaintiff,

12 v.

13 UNITED STATES OF AMERICA,

14 Defendant.
15

2:17-cv-01137-GMN-CWH

**UNOPPOSED MOTION TO STAY
CASE DURING GOVERNMENT
SHUTDOWN**

16
17 The United States moves for a stay of proceedings and an extension of existing
18 deadlines commensurate with the duration of, the lapse in appropriations (partial
19 government shutdown). Plaintiff does not oppose this request.

20 1. At midnight on December 21, 2018, the continuing resolution that had been
21 funding the Department of Justice expired and appropriations to the Department lapsed.

22 2. Absent an appropriation or continuing resolution, Executive Branch
23 employees are prohibited from working, even on a voluntary basis, except in very limited
24 circumstances, including “emergencies involving the safety of human life or the protection
25 of property.” 31 U.S.C. § 1342. The instant lawsuit does not appear to meet such criteria
26 because it is a tort claim arising out of a motor vehicle accident. The lapse in
27 appropriations also prevents the United States Attorney’s Office from paying for costs that
28 would otherwise be routine such as deposition transcription and work-related travel.

1 3. Defendant therefore requests a stay of proceedings until Congress has
2 restored appropriations to the Department. Defendant also requests an extension of
3 deadlines commensurate with the duration of the lapse in appropriations.

4 4. Counsel for the United States has been informed that Plaintiff does not oppose
5 this request.

6 5. Defendant will notify Plaintiff and the Court as soon as Congress has
7 appropriated funds for the Department or enacted another continuing resolution and
8 undersigned counsel can resume usual civil litigation duties.

9 Therefore, although we greatly regret any disruption caused to the Court and the
10 other litigants, Defendant hereby moves for a stay in this case until Department of Justice
11 attorneys are permitted to resume their usual civil litigation functions.

12 Respectfully submitted this 18th day of January 2019.

13 NICHOLAS A. TRUTANICH
14 United States Attorney


15 /s/ Troy K. Flake
16 TROY K. FLAKE
17 Assistant United States Attorney

18 *Attorneys for the United States*

19 **ORDER**

20 For good cause appearing, **IT IS HEREBY ORDERED** that the above Unopposed
21 Motion to Stay Case, (ECF No. 37), is **GRANTED**. **IT IS FURTHER ORDERED** that
22 the Stipulation to Extend Briefing Schedule, (ECF No. 36), is **DENIED** as moot. A
23 new stipulation may be filed once the stay in this case is lifted.

24
25 **DATED** this 23 day of January, 2019.

26 
27 Gloria M. Navarro, Chief Judge
28 UNITED STATES DISTRICT COURT

1 **Certificate of Service**

2 I hereby certify that on January 18, 2019, I electronically filed and served the
3 foregoing **Unopposed Motion for Stay and Extension Due to Lapse of Appropriations** with
4 the Clerk of the Court for the United States District Court for the District of Nevada using
5 the CM/ECF system.

6 /s/ Troy K. Flake
7 TROY K. FLAKE
8 Assistant United States Attorney
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